



11 OCT 2002

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In re Application of :
RASMUSSEN :
Serial No.: 09/914,852 : NOTIFICATION
PCT No.: PCT/DK00/00085 :
Int. Filing Date: 01 March 2000 :
Priority Date: 11 March 1999 :
Atty. Docket No.: 110517 :
For: TRANSFER PRINTING MACHINE :

The above-captioned application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 01 March 2000, applicant filed international application PCT/DK00/00085 which claimed a priority date of 11 March 1999. A proper Demand was filed with the International Preliminary Examining Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America expired at midnight on 11 September 2001.

On 04 September 2001, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee of \$430, a copy of the international application, and a preliminary amendment.

On 08 November 2001, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(e).

On 01 August 2002, applicant filed "Resubmission of Response to Notification of Missing Requirements" which was accompanied by a copy of the declaration filed on 10 September 2001 and 13 December 2001 and postcard receipts evidencing its receipt in the Patent and Trademark Office on 10 September 2001 and 13 December 2001 and requests, in effect, that the copy of the declaration be accepted as a true copy of the declaration filed 10 September 2001.

In a decision dated 07 August 2002, the PCT Legal Office accepted the declaration filed 10 September 2001 and granted the application a 35 U.S.C. 371(c) date of 10 September 2001.

DISCUSSION

A review of the application file and other Patent and Trademark Office records reveal that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Decision mailed by the PCT Legal Office on 07 August 2002. The declaration submitted on 10 September 2001 was not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify the inventor and country of citizenship of the inventor. Since, the declaration does not clearly identify the citizenship of the inventor, it is considered defective under 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Therefore, in that the declaration is not compliance with 37 CFR 1.63 and 1.497(a)(3), applicant has not met the requirements for entry into the national stage under 35 U.S.C. 371.

CONCLUSION

Accordingly, the Decision mailed 07 August 2002 is hereby VACATED.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Extensions of time under 37 CFR 1.136(a) are permitted.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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